

## **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated August 31, 2011, issued in connection with the above-identified application. Claims 1-11 and 17-19 are pending in the present application. With this Amendment, claims 1, 3, 9 and 17-19 have been amended; and claims 2 and 4-6 have been cancelled without prejudice or disclaimer to the subject matter therein. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1 and 17-19 are rejected under 35 U.S.C. §102(b) as being anticipated by Funahashi (US 2002/0081039, hereafter “Funahashi”); claims 2-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Funahashi in view of Taoda (US 5,875,459); and claims 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Funahashi in view of Noguchi (US 2005/0008346, hereafter “Noguchi”).

Claims 2 and 4-6 have been cancelled thereby rendering the rejection to those claims moot. Additionally, the Applicants have amended independent claims 1 and 17-19 to more clearly distinguished the claims from the cited prior art. Independent claim 1 recites *inter alia* the following features:

“[a] recording apparatus for recording contents, said recording apparatus comprising: ...

an obtaining unit operable to obtain specification information which specifies a portable recording medium to be used for recording a content, using a piece of identification information which uniquely identifies the portable recording medium to be specified;

a recording control unit operable to perform control so that (i) in a case where a portable recording medium currently attached to said drive unit is identified with the piece of identification information when the content is to be recorded, the content is recorded onto the attached portable recording medium, and (ii) in a case where the portable recording medium currently attached to said drive unit is not identified with the piece of identification information when the content is to be recorded, the content is recorded onto said relief recording medium; and

a dubbing control unit operable to, when triggered by a detection that the specified portable recording medium is attached to said drive unit after the content has been recorded onto the relief recording medium, dub the recorded content from said relief recording medium onto the specified portable recording medium.”

The features noted above in independent claim 1 are similarly recited in independent claims 17-19 (as amended). Claim 17 is an integrated circuit having similar features of the apparatus of claim 1; and claim 18 is a computer-readable recording medium and claim 19 is a method, and both claims include steps directed to the features of the apparatus of claim 1. Additionally, the features noted above in independent claim 1 (and similarly recited in independent claims 17-19) are fully supported by the Applicants' disclosure.

With the present invention (as recited in independent claims 1 and 17-19), specification information is obtained that specifies portable recording media (i.e., to be used for recording content) using a piece of identification information which uniquely identifies a portable recording medium. And, in the case where a portable recording medium currently attached to the drive unit is identified with the piece of identification information, the content is recorded onto the attached portable recording medium. However, in the case where the portable recording medium currently attached to the drive unit is not identified with the piece of identification information, the content is recorded onto a relief recording medium. The content can be later dubbed from the relief recording medium onto a specified portable recording medium.

The present invention believed to be clearly distinguished from the cited prior art in that in a case where a portable recording medium attached to the drive unit is not identified by a piece of identification information, the content is recorded onto a relief recording medium such as a hard disk. Then, when triggered by a detection that a portable recording medium specified by the specification information is attached to the drive unit, the content is dubbed from the relief recording medium to the specified portable recording medium (i.e., specified by specification information).

With the present invention (as recited in independent claims 1 and 17-19), the content is recorded onto the relief medium not only when there is no portable recording media attached to a drive unit, but also when a portable recording medium is attached that is different from portable recording media specified for recording content. Thus, content is not accidentally recorded onto a portable recording medium different from the specified recording media. Moreover, even if a user owns many portable recording media, the user can reliably record content onto a desired portable recording medium without troublesome operations, such as checking which portable recording medium is attached to a drive unit or dubbing of content from a recording medium that is different from a specified portable recording medium.

In the Office Action, the Examiner relies on Funahashi for disclosing all the features recited in independent claims 1 and 17-19. In particular, the Examiner relies on ¶ [0110] of Funahashi for disclosing the features of the obtaining unit and step recited respectively in independent claims 1 and 17-19. The Examiner relies on steps S54 and S55 in Fig. 11 of Funahashi for disclosing the features of the recording control unit or step recited respectively in independent claims 1 and 17-19. And, the Examiner relies on steps S56 and S57 of Fig. 11 for disclosing the features of the dubbing control unit and step recited respectively in independent claims 1 and 17-19.

However, the Applicants assert that Funahashi fails to disclose all the features now recited in independent claims 1 and 17-19, as amended.

More specifically, Funahashi in ¶ [0110] discloses modality apparatuses and an image viewer that send diagnostic image files with added record indication information. The recording indication information is used to specify a medium used for recording. Based on the record indication information, an image file server either temporarily stores the diagnostic image files on the hard disk or permanently archives the diagnostic image files on a removable medium..

With reference to Fig. 11, Funahashi discloses in steps S54-S57 that when permanent storage is indicated, it is checked whether a removable medium is mounted in a media drive. If the removable medium is not mounted in the media drive, data to be stored is temporarily stored on a hard disk. Thereafter, when the removable medium is mounted in the media drive, the data is permanently stored on the removable medium.

In Funahashi (i.e., steps S54-S57 of Fig. 11), whether a recording medium is specified is not a consideration at the time of permanent or temporary storage of content. That is, a recording medium used for permanent storage is clearly not specified at the time of performing the permanent storage. Instead, if a removable medium is mounted on the media drive, data is automatically recorded onto the removable medium regardless of whether it is a specified removable medium that is desired by the user.

As noted above, Funahashi (i.e., steps S54-S57 of Fig. 11) fails to disclose obtaining specification information which specifies a portable recording medium to be used for recording a content, using a piece of identification information which uniquely identifies the portable recording medium to be specified; and, in a case where the portable recording medium currently attached to the drive unit is not identified with the piece of identification information when the

content is to be recorded, recording the content onto a relief recording medium, as recited in independent claims 1 and 17-19.

At least for the reasons noted above, Funahashi fails to anticipate all the features recited in independent claims 1 and 17-19 (as amended). Moreover, Taoda and Noguchi fails to overcome the deficiencies noted above in Funahashi.

Taoda, with reference to Fig. 4, discloses an optical disk drive-management table for managing disks mounted in drives. As described in Taoda, the medium number of a disk mounted in a disc drive is specified based on the table shown in Fig. 4 (see also e.g., col. 13, line 62 to col. 14, line 3). In the Office Action, the Examiner alleges that it would be obvious to combine Taoda with Funahashi and thereby to use identification information to identify a recording medium mounted in a drive unit.

However, the medium numbers disclosed by Taoda are merely management information for specifying recording areas of optical disks in an internal disk array; and the table in Fig. 4 merely shows information regarding management for changing disks in an auto-changer in an optical disk library apparatus.

Thus, Taoda (i.e., Figs. 3 and 4) fails to address the problem solved by the present invention (as recited in independent claims 1 and 17-19). That is, with the present invention (as recited in independent claims 1 and 17-19), content is not accidentally recorded onto a portable recording medium different from a specified recording media. Moreover, even if a user owns many portable recording media, the user can reliably record content onto a desired portable recording medium without troublesome operations, such as checking which portable recording medium is attached to a drive unit or dubbing of content from a recording medium that is different from the specified portable recording medium.

Therefore, one of ordinary skill in the art would not be motivated to apply the management information of Taoda, which is simply used to manage the changing of disks in the device, to the portable recording medium of Funahashi, in an attempt to arrive at the present invention recited in independent claims 1 and 17-19 (as amended). Moreover, even if the combination is made, the combination fails to disclose or suggest all the features now recited in independent claims 1 and 17-19 (as amended).

Noguchi discloses a recording apparatus for dividing a program into data pieces and recording the data pieces onto a plurality of optical discs. In the Office Action, the Examiner

alleges that Noguchi discloses optical discs to which disk numbers are assigned. However, as disclosed Noguchi, with reference to in Fig. 1, the recording apparatus includes a program that is divided and recorded onto a plurality of optical discs stored in a disc changing mechanism (see also ¶ [0056]. The disk numbers in Noguchi (i.e., Fig. 1 and ¶ [0056]) are used to manage discs in the disc changing mechanism such that a recording apparatus manages a limited number of optical discs stored therein.

Thus, similar to Taoda, Noguchi (i.e., Fig. 1 and ¶ [0056]) fails to address the problem solved by the present invention (as recited in independent claims 1 and 17-19) which is that content is not accidentally recorded onto a portable recording medium different from a specified recording media. Moreover, even if a user owns many portable recording media, the user can reliably record content onto a desired portable recording medium without troublesome operations, such as checking which portable recording medium is attached to a drive unit or dubbing of content from a recording medium that is different from the specified portable recording medium.

Therefore, one of ordinary skill in the art would not be motivated to apply the management information for managing the optical discs in the apparatus disclosed in Noguchi to the portable recording medium of Funahashi in an attempt to arrive at the present invention recited in independent claims 1 and 17-19 (as amended). Moreover, even if the combination is made, the combination fails to disclose or suggest all the features now recited in independent claims 1 and 17-19 (as amended).

Based on the above discussion, no combination of Funahashi with either Taoda or Noguchi would result in, or otherwise render obvious, the features of independent claims 1 and 17-19 (as amended). Likewise, no combination of Funahashi with either Taoda or Noguchi would result in, or otherwise render obvious, the features of claims 3 and 7-10 at least by virtue of their dependencies from independent claim 1.

In the Office Action, claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Funahashi in view of Noguchi, and further in view of Official Notice taken by the Examiner.

Claim 11 depends from independent claim 1. As noted above, Funahashi and Noguchi fail to disclose or suggest all the features recited in independent claim 1. Moreover, the Official Notice taken by the Examiner fails to overcome the deficiencies noted above in Funahashi and

Noguchi. Accordingly, no combination of Funahashi, Noguchi and the Official Notice taken by the Examiner would result in, or otherwise render obvious, the features of claim 11 at least by virtue of its dependency from independent claim 1.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any issues remaining in the application.

Respectfully submitted,

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